

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:  
All Actions

**DEFENDANTS' MEET AND  
CONFER STATEMENT FOR  
MOTION TO TAKE DISCOVERY  
CONCERNING NEW AUGUSTINE  
ARTICLE RELIED UPON BY  
PLAINTIFFS AND THEIR  
EXPERTS**

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I, Monica L. Davies, representing Defendants, certify that I and my colleague, Benjamin W. Hulse, conferred with Plaintiffs and counsel for Augustine by an email to Randy Benham, Ben Gordon, Jan Conlin, and Genevieve Zimmerman on July 21, 2017 to discuss this Motion to Take Discovery Concerning New Augustine Article Relied Upon by Plaintiffs and Their Experts.

In an email on July 24, 2017, counsel for Plaintiffs indicated they would not oppose Defendants' motion provided that (1) the parties split time evenly for any additional depositions, (2) Defendants agree that Plaintiffs will be allowed to depose/redepose 3M expert Dr. Abraham and/or his co-authors in the event that a paper Dr. Abraham testified about is published, and (3) Defendants agree to allow Plaintiffs to take the deposition(s) of 3M employees who performed CFD referenced by Dr. Abraham. Defendants responded that they do not believe it is appropriate to link Plaintiffs' requests to this motion and could not agree to them as a condition of Plaintiffs' non-opposition to the motion. Defendants agreed to discuss these issues with Plaintiffs separately, and address the division of additional deposition time if the relief sought by Defendants is granted.

Counsel for Augustine responded that he will oppose Defendants' motion.

Dated: July 24, 2017

s/Monica L. Davies

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